

WEDNESDAY, APRIL 24, 1985

THIRTY-NINTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Brother Bob Tripp, Concord Methodist Church, Decaturville, Tennessee.

Representative Ivy led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present . . . . . 96

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, April 24, 1985: House Bills Nos. 751, 820, 503, 1011, 307, 308, 309, 310, 95, 913, 264, 900, 533, 504, 466, 210, 525, 878,

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858 and 242, and House Joint Resolution No. 178.

GILL, Chairman.

**MESSAGE FROM THE GOVERNOR**

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 516, with his approval.

WILLIAM H. INMAN,  
Counsel to the Governor.

**ENROLLED BILLS**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 72, 151, 155, 165, 177, 181, 268, 735, 1008 and 1068; and House Joint Resolutions Nos. 92, 93, 127, 128, 161 and 242; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 104, 142, 301, 327, 340, 440, 594, 613, 670, 926, 934 and 1044; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Bills Nos. 72, 151, 155, 165, 177, 181, 268, 735, 1008 and 1068; House Joint Resolutions Nos. 92, 93, 127, 128, 161 and 242; and Senate Bills Nos. 104, 142, 301, 327, 340, 440, 594, 613, 670, 926, 934 and 1004.

**CALENDAR**

**FURTHER CONSIDERATION OF HOUSE BILL NO. 127**

House Bill No. 127--To make certain provision, licensing auctioneers.

Mr. Clark (Sumner) moved that Amendment No. 3 be withdrawn, which motion prevailed.

Mr. Collier moved that House Bill No. 127 be passed on third and final consideration.

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Mr. Clark (Sumner) moved to amend as follows:

**AMENDMENT NO. 4**

Amend House Bill No. 127 by deleting Section 1. in its entirety and substituting instead the following:

Section 1. Tennessee Code Annotated, Section 62-19-102(a)(2) is amended by deleting the sentence "This subdivision shall apply only to the person vocally conducting an auction and shall not apply to ringmen or other persons who may be involved in such auction." and substituting instead the following:

This subdivision shall not be construed to require ringmen or other persons not vocally conducting an auction to be duly licensed as an auctioneer, nor to be duly licensed under Chapter 13 of title 62 unless such ringmen or other persons act as an affiliate broker or broker within the meaning of chapter 13 of title 62.

On motion, the amendment was adopted.

Thereupon, House Bill No. 127, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	97
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

Mr. Dixon moved that House Bill No. 445 be placed on the Calendar for January, 1986, which motion prevailed.

**FURTHER CONSIDERATION OF HOUSE BILL NO. 620**

House Bill No. 620--To enact School Nutrition Standards Act.

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Mr. Cobb moved that House Bill No. 620 be passed on third and final consideration.

Mr. Work moved that his motion to amend Amendment No. 2 be withdrawn, which motion prevailed.

Thereupon, on motion, Amendment No. 2 was adopted.

Thereupon, House Bill No. 620, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	51
Noes . . . . .	42
Present and not voting . . . . .	5

Representatives voting aye were: Bivens, Brewer, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davis (Cocke), DeBerry, Dixon, Drew, Ellis, Gaia, Garrett, Gill, Hassell, Henry, Hillis, Hurley, Huskey, Jared, Jones, Kernell, King, Kisber, Love, May, McNally, Miller, Moore (Sullivan), Murphy, Naifeh, Phillips, Pruitt, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Stallings, Starnes, Swann, Treadway, Turner, B. (Hamilton), Turner, L. (Shelby), West, Wheeler, Whitson, Williams, Yelton and Mr. Speaker McWherter--51.

Representatives voting no were: Bell, Bewley, Bragg, Buck, Chiles, Copeland, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), Davis (Knox), DePriest, Dills, Duer, Frensley, Gafford, Harrill, Hobbs, Ivy, Kent, Lawson, McAfee, McCroskey, Montgomery, Moody, Murray, Nance, Napier, Peroulas, Ridgeway, Scruggs, Stafford, Tankersley, Tanner, Ussery, Webb, Winningham, Wolfe, Wood and Work--42.

Representatives present and not voting were: Moore (Shelby), Rhinehart, Shirley, Turner, C. (Shelby) and Wix--5.

A motion to reconsider was tabled.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

House Bill No. 820--To create Four Lake Regional Industrial Development Authority.

Mr. Bell moved that House Bill No. 820 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

### AMENDMENT NO. 1

Amend House Bill No. 820 by deleting from the third sentence of Section 1 and substituting instead the following sentence:

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"The Authority is created and established for the purpose of developing the resources of the region embracing the Tennessee counties of Macon, Smith, Sumner, Trousdale and Wilson (hereafter referred to as the "region"), including the coordination of the Authority's development work with related activities and programs of the Tennessee Valley Authority and other federal, state and local planning and development agencies."

and further amend by adding the following subsections to Section 3:

"(c) The Board shall establish an advisory committee consisting of twenty-five members, with five members from each of the five counties in the region selected in such manner as the Board shall determine to provide a wide range of viewpoints. The Board shall endeavor to have the advisory committee reflect a broad range of socio-economic backgrounds in its membership. The terms of the members of the advisory committee shall be set by a resolution of the Board in such manner as to create a staggered term system to provide for continuity on the advisory committee.

(d) At least annually the Board shall hold a meeting at which members of the general public are allowed to address the Board. Further, prior to the adoption of any resolution authorizing a bond issue pursuant to the provisions of this act, the Board shall hold a public hearing to examine the opinions of members of the general public on the issue.

(e) All meetings of the Board and advisory committee shall be public and shall comply with the state law on open meetings codified in Chapter 44, Title 8, Tennessee Code Annotated."

and further amend by deleting the words "That the" at the beginning of Section 9 and substituting instead "The".

and further amend by deleting the words "That without" at the beginning of Section 10 and substituting instead "Without".

and further amend by deleting Section 11 in its entirety and substituting instead a new Section 11 to read as follows:

"SECTION 11. (a) The Authority is authorized and empowered to issue its bonds from time to time for the purpose of paying in whole or in part the cost of acquiring lands and interests therein and of constructing facilities and improvements subject to the limitations and conditions provided in this Act. Any resolution of the Board authorizing the sale of bonds shall be submitted to the state funding board established by Tennessee Code Annotated, Section 9-9-101, and such resolution shall only become effective upon receiving the approval of the state funding board. The state funding board, upon rejecting any resolution of the Board authorizing any bond issue, shall state in writing the reasons for this action.

(b) Except as herein otherwise expressly provided, all bonds issued by the Authority shall be payable solely out of the revenues and receipts derived from the agency's projects or of any thereof as may be designated in the proceedings of the Board under which the bonds shall be authorized to be issued, including debt obligations of the lessee or contracting party obtained from or in connection with the financing of a project; provided, that notes issued in anticipation of the issuance of bonds may be retired out of the proceeds of such bonds. Such bonds may be executed and delivered by the Authority at any time and from time to time may be in such form and denominations and of such terms and maturities, may be in registered or bearer form either as to principal or interest or both, may be payable in such installments and at such time or times not exceeding forty (40) years from the date thereof, may be payable at such place or places whether within or without the state of Tennessee, may bear interest at such rate or rates payable at such time or times and at such place or places and evidenced in such manner, may be executed by such officers of the Authority and may contain such provisions not inconsistent herewith, all as shall be provided in the proceedings of the Board whereunder the bonds shall be authorized to be issued. If deemed advisable by the Board, there may be retained in the proceedings under which any bonds of the Authority are authorized to be issued an option to redeem all or any part thereof as may be specified in such proceedings, at such price or prices and after such notice or notices and on such terms and conditions as may be set forth in such proceedings and as may be briefly recited on the face of the bonds, but nothing herein contained shall be construed to confer on the Authority any right or option to redeem any bonds except as may be provided in the proceedings under which they shall be issued. Any bonds of the Authority may be sold at public or private sale in such manner, at such price and from time to time as may be determined by the Board to be most advantageous, and the Authority may pay all expenses, premiums and commissions which its Board may deem necessary or advantageous in connection with the issuance thereof. Issuance by the Board of one or more series of bonds for one or more purposes shall not preclude it from issuing other bonds in connection with the same project of any other project, but the proceedings whereunder any subsequent bonds may be issued shall recognize and protect any prior pledge or mortgage made for any prior issue of bonds. Proceeds of bonds issued by the Authority may be used for the purpose of constructing, acquiring, reconstructing, improving, equipping, furnishing, bettering, or extending any project or projects, including the payment of interest on the bonds during construction of any such project and for two (2) years after the estimated date of completion, and payment of engineering, fiscal, architectural and legal expenses incurred in connection with such project and the issuance of the bonds, and the establishment of a reasonable reserve fund for the payment of principal of and interest on such bonds in the event of a

deficiency in the revenues and receipts available for such payment.

(c) Any bonds or notes of the Authority at any time outstanding may at any time and from time to time be refunded by the Authority by the issuance of its refunding bonds in such amount as the board of directors may deem necessary, but not exceeding the sum of the following:

(1) The principal amount of the obligations being refinanced;

(2) Applicable redemption premiums thereon;

(3) Unpaid interest on such obligations to the date of delivery or exchange of the refunding bonds;

(4) In the event the proceeds from the sale of the refunding bonds are to be deposited in trust as hereinafter provided, interest to accrue on such obligations from the date of delivery to the first or any subsequent available redemption date or dates selected, in its discretion, by the Board or to the date or dates of maturity, whichever shall be determined by the Board to be most advantageous or necessary to the Authority.

(5) A reasonable reserve for the payment of principal of and interest on such bonds and/or a renewal and replacement reserve;

(6) If the project to be constructed from the proceeds of the obligations being refinanced has not been completed, an amount sufficient to meet the interest charges on the refunding bonds during the construction of such project and for two (2) years after the estimated date of completion (but only to the extent that interest charges have not been capitalized from the proceeds of the obligations being refinanced); and

(7) Expenses, premiums and commissions of the Authority, including bonds discount, deemed by the Board to be necessary for the issuance of the refunding bonds. A determination by the Board that any refinancing is advantageous or necessary to the Authority; or that any of the amounts provided in the preceding sentence should be included in such refinancing, or that any of the obligations to be refinanced should be called for redemption on the first or any subsequent available redemption date permitted to remain outstanding until their respective dates of maturity, shall be conclusive.

(d) Any such refunding may be effected whether the obligations to be refunded shall have then matured or shall thereafter mature,

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either by the exchange of the refunding bonds for the obligations to be refunded thereby with the consent of the holders of the obligations so to be refunded, or by sale of the refunding bonds and the application of the proceeds thereof to the payment of the obligations to be refunded thereby, and regardless of whether or not the obligations proposed to be refunded shall be payable on the same date or different dates or shall be due serially or otherwise.

(e) Prior to the issuance of the refunding bonds, the Board shall cause notice of its intention to issue the refunding bonds, identifying the obligations proposed to be refunded and setting forth the estimated date of delivery of the refunding bonds, to be given to the holders of the outstanding obligations by publication of an appropriate notice one (1) time each in a newspaper having general circulation in the area and in a financial newspaper published in New York, New York, and having national circulation. As soon as practicable after the delivery of the refunding bonds, and whether or not any of the obligations to be refunded are to be called for redemption, the Board shall cause notice of the issuance of the refunding bonds to be given in the manner provided in the preceding sentence.

(f) If any of the obligations to be refunded are to be called for redemption, the Board shall cause notice of redemption to be given in the manner required by the proceedings authorizing such outstanding obligations.

(g) The principal proceeds from the sale of any refunding bonds shall be applied only as follows: either,

(1) To the immediate payment and retirement of the obligations being refunded; or

(2) To the extent not required for the immediate payment of the obligations being refunded, then such proceeds shall be deposited in trust to provide for the payment and retirement of the obligations being refunded, and to pay any expenses incurred in connection with such refunding, but provision may be made for the pledging and disposition of any surplus, including without limitation, provision for the pledging of any such surplus to the payment of the principal of and interest on any issue or series of refunding bonds. Money in any such trust fund may be invested in direct obligations of, or obligations the principal of and interest on which are guaranteed by the United States government, or obligations of any agency or instrumentality of the United States government, or in certificates of deposit issued by a bank or trust company located in the state of Tennessee if such certificates shall be secured by a pledge of any of said obligations having any aggregate market value, exclusive of accrued interest, equal at least to the principal amount of the certificates so secured. Nothing herein shall be construed as a limitation on the duration of



any deposit in trust for the retirement of obligations being refunded but which shall not have matured and which shall not be presently redeemable or, if presently redeemable, shall not have been called for redemption.

(h) All such bonds, refunding bonds and the interest coupons applicable thereto are hereby made and shall be construed to be negotiable instruments.

(i) The principal of and interest on any bonds issued by the Authority may be secured by a pledge of the revenues and receipts out of which the same shall be made payable, and may be secured by a mortgage or deed of trust covering all or any part of the projects from which the revenues or receipts so pledged may be derived, including any enlargements of and additions to any such projects thereafter made, and/or by an assignment and pledge of all or any part of the Authority's interest in and rights under the leases, sale contracts or loan agreements relating to such projects, or any thereof. The resolution under which the bonds are authorized to be issued and any such mortgage or deed of trust may contain any agreements and provisions respecting the maintenance of the projects covered thereby, the fixing and collection of rents or payments with respect to any projects or portions thereof covered by such resolution, mortgage or deed of trust, the creation and maintenance of special funds from such revenues and from the proceeds of such bonds, and the rights and remedies available in the event of default, all as the Board shall deem advisable not in conflict with the provisions hereof. Each pledge, agreement, mortgage and deed of trust made for the benefit or security of any of the bonds of the agency shall continue effective until the principal of and interest on the bonds for the benefit of which the same were made shall have been fully paid. In the event of default in such payment or in any agreements of the agency made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any mortgage and deed of trust executed as security therefor, such payment or agreement may be enforced by suit, mandamus, the appointment of a receiver in equity, or by foreclosure of any such mortgage and deed of trust, or any one or more of said remedies.

(j) In addition to the foregoing, the Authority is authorized to issue general obligation bonds in conjunction with the State of Tennessee. Any bond issue wherein the general obligation of the State of Tennessee is attached must first be approved by the state funding board and by the General Assembly of the State and provisions made for amortization of both principal and interest for a period not to exceed forty (40) years. The Authority shall present to the General Assembly its needs from time to time with regard to specific general obligation bond issues by petition of the Board delivered to the Speakers of the House and Senate, and to the Chairman of the House and Senate Finance, Ways and Means Committees. Any such

petition shall contain a plan for amortizing such bond issue and if such plan requires a tax levy by the county and municipal legislative bodies in the region, then approval of the plan committing the affected county and municipal governments to the necessary tax levy shall be submitted with the petition. The petition shall specify the specific bond issues, the purpose, land, works or improvements to be accomplished and their location.

The General Assembly may be asked in the petition to appropriate funds to contribute to the total amount of funds needed to amortize the bond issue. The levying of an ad valorem tax for a bond issue by a county or municipal government under this subsection shall be binding and collectible by the State in case of default. Bonds issued under this subsection shall be issued in the usual manner as State bonds and sold under such conditions as the General Assembly may specify.

No later than October of each year, the Authority shall transmit to the Governor of the State of Tennessee a request and an amount of appropriation needed during the next fiscal year for Authority purposes including administration, operations and capital improvements, and appropriate justification for use of such appropriation, such amount or other amount as deemed appropriate by the Governor to be included in the Budget transmitted to the Tennessee General Assembly."

and further amend by deleting the words "That the" at the beginning of Section 12 and substituting instead "The".

and further amend by deleting Section 13 in its entirety and substituting instead a new Section 13 to read as follows:

"SECTION 13. (a) The board, after receiving recommendations from its advisory committee, shall annually formulate and issue a statement of objectives, priorities and programs that it has adopted or envisions to meet these objectives. This statement of objectives shall be included in the annual report.

(b) The Board shall report annually to the Governor of the State of Tennessee, the Commissioner of Economic and Community Development, the state funding board and to the General Assembly through the chairman of the following standing committees or such other committees as the Speaker of each respective House may direct: Senate Finance, Ways and Means, Senate Government Operations, Senate State and Local Government, House Finance, Ways and Means, House Government Operations, House State and Local Government. This report shall also be transmitted to the governing bodies of the various counties and incorporated municipalities of the region. Such reports shall include a statement of financial receipts and expenditures, assets and liabilities of the Authority, and a summary of all activities and

accomplishments for the period and proposed plans for the next year.

(c) The comptroller of the treasury is directed to develop a uniform accounting system conforming to generally accepted accounting principles for the Authority.

(d) The annual reports and all books of accounts and financial records of all funds received shall be subject to audit annually by the comptroller of the treasury. The audit may be performed by a licensed independent public accountant selected by the Board and approved by the comptroller. The cost of any audit shall be paid by the Authority.

The comptroller of the treasury shall insure that audits are prepared in accordance with generally accepted governmental auditing standards and determine if the audits meet minimum audit standards prescribed by the comptroller. No audit may be accepted as meeting the requirements of this section until approved by the comptroller.

All audits shall be completed as soon as practicable after the end of the fiscal year of the Authority. One (1) copy of each audit shall be furnished to each member of the Board and the comptroller of the treasury. Copies of each audit shall also be made available to the press.

(e) The Board shall develop purchasing and contracting procedures which shall be approved by the comptroller of the treasury prior to implementation."

and further amend by deleting Section 15 in its entirety and substituting instead a new Section 15 to read as follows:

"SECTION 15. The Board shall endeavor to cooperate with the Mid Cumberland and Upper Cumberland Development Districts and to avoid duplication with the activities of these agencies and any other agencies whenever possible."

and further amend by inserting the following section after Section 15 and renumbering accordingly:

"SECTION 16. The employees of the Authority shall be eligible for membership in the Tennessee Consolidated Retirement System as state employees and the Board shall provide the necessary contributions to the Tennessee Consolidated Retirement System for its employees. This section shall not preclude the Board from contracting with individuals for their personal services under a contract of limited duration and not including retirement benefits to such individuals."

"SECTION 17. The Authority shall be subject to the Tennessee Governmental entity Review Law, Chapter 29, Title 4,

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Tennessee Code Annotated, and reviewed pursuant to Section 4-29-119."

On motion, the amendment was adopted.

Thereupon, House Bill No. 820, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	98
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wunningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

A motion to reconsider was tabled.

House Bill No. 503--To amend Uniform Relocation Assistance Act.

On motion, House Bill No. 503 was made to conform with Senate Bill No. 639.

On motion, Senate Bill No. 639, on same subject, was substituted for House Bill No. 503.

Mr. Whitson moved that Senate Bill No. 639 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	97
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton),

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Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

House Bill No. 1011--To make unlawful, false advertising, certain services.

Mr. Love moved that House Bill No. 1011 be passed on third and final consideration.

Mr. Ellis moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 1011 be deleting the words "to perform professional services unless he is in fact so duly licensed" in Section 1 and substituting instead the following language:

to perform any service unless local, state or federal law, in fact, requires licensing or bonding to perform such service, and the person is so licensed or bonded.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1011, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	98
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

A motion to reconsider was tabled.

House Bill No. 307--To amend Employment Security Law.

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Mr. Clark (Sumner) moved that House Bill No. 307 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	96
Noes . . . . .	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

Representatives voting no were: Chiles and Ussery--2.

A motion to reconsider was tabled.

House Bill No. 308--To make certain provisions, unemployment compensation.

On motion, House Bill No. 308 was made to conform with Senate Bill No. 74.

On motion, Senate Bill No. 74, on same subject, was substituted for House Bill No. 308.

Mr. Clark (Sumner) moved that Senate Bill No. 74 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	95
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton),

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Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Treadway, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --95.

A motion to reconsider was tabled.

House Bill No. 309--To make certain provisions, unemployment compensation.

Mr. Clark (Sumner) moved that House Bill No. 309 be passed on third and final consideration.

Mr. Ellis moved to amend as follows:

**AMENDMENT NO. 1**

AMEND House Bill No. 309 by deleting Section 5 in its entirety and by substituting instead the following:

SECTION 5. Tennessee Code Annotated, Section 50-7-303 (8), is amended by deleting such subsection in its entirety and by substituting instead the following:

"(8) (a) Any person who is overpaid any amounts as benefits under this chapter is liable to repay those amounts, except as otherwise provided by this subsection (8) or by Section 50-7-304 (b)(2).

(b) Upon written request by any such person submitted to the commissioner within three (3) years from the date of determination of the overpayment, the commissioner shall waive repayment of the overpaid amounts if such person proves to the satisfaction of the commissioner that all of the following conditions exist:

(1) The overpayment was not due to fraud, misrepresentation, or willful nondisclosure on the part of such person;

(2) The overpayment was received without fault on the part of such person; and

(3) The recovery of the overpayment from such person would be against equity and good conscience.

(c) The commissioner shall waive the collection of any overpayment which is due to fraud, misrepresentation, or willful nondisclosure on the part of the person who was overpaid and which is outstanding after the expiration of six (6) years from the date of determination of such overpayment. The commissioner shall waive the collection of any overpayment which is not due to fraud,

misrepresentation, or willful nondisclosure on the part of the person who was overpaid and which is outstanding after the expiration of three (3) years from the date of determination of such overpayment.

(d) Any person who is overpaid any amounts as benefits under this chapter has the right to appeal the determination of overpayment. Furthermore, a person may request a waiver of overpayment in accordance with the conditions of subsection (8)(b) of this section. Upon determination that a person has been overpaid, such person will be given timely notice of his right to appeal the determination of overpayment in accordance with Section 50-7-304 and his right to request a waiver of overpayment in accordance with subsection (8)(b) of this section. Such notice shall indicate that there is a determination of overpayment, the reasons therefore, the person's rights to contest the determination or request a waiver of the overpayment, and the time period during which such appeal must be filed or the waiver request must be submitted. A recovery of overpayment by reduction of benefits as to a subsequent claim shall not occur until notice is provided to a person, previously determined to be overpaid, of his right to request a waiver of overpayment in accordance with subsection (8)(b) of this section.

On motion, the amendment was adopted.

Thereupon, House Bill No. 309, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	96
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.



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House Bill No. 310--To make certain provisions, unemployment insurance.

Mr. Clark (Sumner) moved that House Bill No. 310 be passed on third and final consideration.

Mr. Ellis moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 310 by deleting subsection (d) of the Tennessee Code Annotated, Section 50-7-303 amendatory language of Section 21 and by substituting instead the following:

"(d) **Overpayments.** (1) Any person who is overpaid any amounts as benefits under this chapter is liable to repay those amounts, except as otherwise provided by this subsection (d) or by Section 50-7-304(b)(2).

(2) Upon written request by any such person submitted to the commissioner within three (3) years from the date of determination of the overpayment, the commissioner shall waive repayment of the overpaid amounts if such person proves to the satisfaction of the commissioner that all of the following conditions exist:

(a) The overpayment was not due to fraud, misrepresentation, or willful nondisclosure on the part of such person;

(b) The overpayment was received without fault on the part of such person; and

(c) The recovery of the overpayment from such person would be against equity and good conscience.

(3) The commissioner shall waive the collection of any overpayment which is due to fraud, misrepresentation, or willful nondisclosure on the part of the person who was overpaid and which is outstanding after the expiration of six (6) years from the date of determination of such overpayment. The commissioner shall waive the collection of any overpayment which is not due to fraud, misrepresentation, or willful nondisclosure on the part of the person who was overpaid and which is outstanding after the expiration of three (3) years from the date of determination of such overpayment.

(4) Any person who is overpaid any amounts as benefits under this chapter has the right to appeal the determination of overpayment. Furthermore, a person may request a waiver of overpayment in accordance with the conditions of subsection (d)(2) of this section. Upon determination that a person has been overpaid, such person will be given timely notice of his

right to appeal the determination of overpayment in accordance with Section 50-7-304 and his right to request a waiver of overpayment in accordance iwth subsection (d)(2) of this section. Such notice shall indicate that there is a determination of overpayment, the reasons therefore, the person's rights to contest the determination or request a waiver of the overpayment, and the time period during which such appeal must be filed or the waiver request must be submitted. A recovery of overpayment by reduction of benefits as to a subsequent claim shall not occur until notice is provided to a person, previously determined to be overpaid, of his right to request a waiver of overpayment in accordance with subsection (d)(2) of this section.

AND FURTHER AMEND by deleting the words and symbols "ten (10)" wherever they appear in the amendatory language of Section 22 and by substituting instead the words and symbols "fifteen (15)",

AND FURTHER AMEND by deleting the words and symbols "ten (10)" wherever they appear in the amendatory language of Section 24 and by substituting instead the words and symbols "fifteen (15)".

On motion, the amendment was adopted.

Thereupon, House Bill No. 310, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	97
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

House Bill No. 95--To change representative districts 83 and 93.

On motion, House Bill No. 95 was made to conform with Senate Bill No. 328.

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On motion, Senate Bill No. 328, on same subject, was substituted for House Bill No. 95.

Mr. Kernell moved that Senate Bill No. 328 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	96
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wunningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

House Bill No. 913--To make certain provisions, public records.

Mr. Tankersley moved that House Bill No. 913 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 913 by deleting the existing Section 1 and substituting the following new sections:

Section 1. Tennessee Code Annotated, Section 10-7-504 is amended adding the following language to subsection (e) thereof:

"Sealed bids and proposals received by state agencies for the lease of real property or the procurement of goods and services, including all related documents, evaluations and memoranda shall not be open for public inspection until all bids are opened simultaneously."

Section 2. Tennessee Code Annotated Section 10-7-504 (a) is amended by inserting the following sentence after the words "governor himself":

"Provided that the Bureau, upon written request by an authorized person of a state governmental agency, is authorized to furnish and disclose to the requesting agency the criminal history, records and data from its files, and the files of the federal government and other states to which it may have access, for the limited purpose of determining whether a license or permit should be issued to any person, corporation, partnership or other entity, to engage in an authorized activity affecting the rights, property or interests of the public or segments thereof."

Section 3. Tennessee Code Annotated 10-7-504 is further amended by adding a new subsection (f) and relettering the present subsection (f) as subsection (g):

"(f) Records of the Department of Economic and Community Development appertaining to industrial and commercial enterprises shall not be subject to public review."

Section 4. Tennessee Code Annotated, Section 10-7-504, subsection (a), is amended by inserting the following between the words "Tennessee bureau of investigation" and "shall" in the second sentence of such subsection:

", all criminal investigative files of the Motor Vehicle Enforcement Division of the department of safety relating to stolen vehicles or parts, and all files of the Driver's License Issuance Division of the department of safety relating to bogus driver's licenses issued to undercover law enforcement agents"

On motion, the amendment was adopted.

Thereupon, House Bill No. 913, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	97
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb,

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West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

House Bill No. 264--To amend powers, chief officers, county highway department.

Mr. Buck moved that House Bill No. 264 be passed on third and final consideration.

Mr. Robinson (Davidson) moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 264 by adding immediately before the enacting clause a preamble as follows:

WHEREAS, most county boundaries in Tennessee were drawn over a century ago; and

WHEREAS, a variety of modern developments have impacted on those boundaries and on the abilities of county governments to efficiently and effectively provide services throughout the area of the county; and

WHEREAS, one of the greatest impacts has resulted from the construction of dams and impoundment of reservoirs beginning in the 1930's and continuing to the present day; and

WHEREAS, counties are unequally inconvenienced by the creation of artificial lakes, but in some counties lake creation has physically cut-off portions of a county from the main body of the county; and

WHEREAS, in some cases it is necessary for county employees to take long detours out of their county and into another county in order to reach an isolated portion of their county, and this problem is especially severe in road maintenance and repair due to the large volume and heavy weight of materials which must be transported; now, therefore,

AND FURTHER AMEND by deleting the amendatory language of Section 1 in its entirety and substituting instead the following:

Section 54-7-114. Notwithstanding any provision of the law to the contrary, a chief administrative officer of a highway department of a county containing and physically divided by a United States government Corps of Engineers dam and reservoir project of thirty-four thousand (34,000) acres, or more, may sell to, or purchase from, any adjoining county, at actual cost any road products for use on the public roads, and may contract with

any adjoining county to maintain roads, or a portion of the roads, under his jurisdiction.

On motion, the amendment was adopted.

Thereupon, House Bill No. 264, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	97
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensey, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

House Bill No. 900--To regulate certain motor carriers.

Mr. Gafford moved that House Bill No. 900 be passed on third and final consideration.

Mr. Robinson (Davidson) moved to amend as follows:

#### AMENDMENT NO. 1

AMEND House Bill No. 900 as follows:

SECTION 3. Tennessee Code Annotated, Section 65-15-107, is amended by adding the following language as a new subsection to be designated as subsection (f):

(f) Provided, however, the provisions of this section and of Sections 65-15-109 and 65-15-112 shall not apply to motor carriers included in the category of carriers of general commodities. Notwithstanding any other provision of the law to the contrary, all carriers of general commodities authorized by the Tennessee Public Service Commission to transport general commodities over regular routes on the effective date of this act, be and are hereby authorized to transport general commodities between their then authorized

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points, on the one hand, and on the other, all points in Tennessee, over irregular routes.

SECTION 4. This act shall take effect July 1, 1985, the public welfare requiring it.

On motion, the amendment was adopted.

Mr. Burnett moved to amend as follows:

**AMENDMENT NO. 2**

AMEND House Bill No. 900 by adding the following sub-sections:

This Act shall be reciprocal and shall become effective only when the following states have adopted identical legislation: Alabama, Arkansas, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Virginia.

Mr. Gafford moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes . . . . .	63
Noes . . . . .	28
Present and not voting . . . . .	4

Representatives voting aye were: Bewley, Bivens, Byrd, Chiles, Clark (Sumner), Collier, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Duer, Frenslley, Gafford, Harrill, Hassell, Hillis, Hobbs, Hurley, Huskey, Ivy, Kent, Kisber, Lawson, Love, May, McAfee, McCroskey, Montgomery, Moody, Moore (Shelby), Murray, Naifeh, Nance, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Swann, Tankersley, Tanner, Treadway, Turner, C. (Shelby), Ussery, Webb, Whitson, Williams, Winningham, Wix, Wolfe, Wood and Work--63.

Representatives voting no were: Bell, Brewer, Buck, Burnett, Cobb, Covington, DeBerry, Dixon, Drew, Ellis, Garrett, Gill, Jared, Jones, Kernell, King, McNally, Miller, Murphy, Napier, Pruitt, Shirley, Turner, B. (Hamilton), Turner, L. (Shelby), West, Wheeler, Yelton and Mr. Speaker McWherter--28.

Representatives present and not voting were: Bragg, Clark (Davidson), Moore (Sullivan) and Robinson (Hamilton)--4.

Mr. Gafford moved to amend as follows:

**AMENDMENT NO. 3**

AMEND House Bill No. 900 by deleting all the language of the bill in its entirety following the enacting clause, and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 65-15-107, is amended by adding the following language as a new subsection to be designated as subsection (f):

(f) Provided, however, the provisions of this section and of Sections 65-15-109 and 65-15-112 shall not apply to motor carriers included in the category of carriers of general commodities pursuant to Section 65-15-106 (d) (1). Notwithstanding any other provision of the law to the contrary, all such carriers of general commodities authorized by the Tennessee Public Service Commission to transport general commodities over regular routes on the effective date of this act, be and are hereby authorized to transport general commodities between their then authorized points, on the one hand, and on the other, all points in Tennessee, over irregular routes.

SECTION 2. The provisions of this act shall in no way by construed to apply to nor shall include motor carriers included in the category of carriers of household goods pursuant to Section 65-15-106 (d) (2).

SECTION 3. This act shall take effect July 1, 1985, the public welfare requiring it.

On motion, the amendment was adopted.

Mr. Wood moved to amend as follows:

#### AMENDMENT NO. 4

Amend House Bill No. 900 by adding the following language to be appropriately numbered immediately preceding the effective date section, renumbering the effective date section accordingly:

SECTION \_\_\_\_ . Tennessee Code Annotated, Section 65-15-106(d) is amended by deleting from subsection (d), item (1) in its entirety, renumbering subsequent items accordingly, and by adding the following language at the end of subsection (d):

For regulatory purposes, excluding rate making purposes, the commission shall recognize carriers of general commodities as a separate category of motor carriers, and the following provisions shall only apply to motor carriers included in such category:

#### (1) New and reduced rates.

Except as otherwise provided in paragraphs (2) and (4) hereinafter, each independently established new or changed rate, charge, rule, or other provisions shall be filed with the Public Service Commission at least one (1) day before the date upon which it is to become effective.



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**(2) Increased rates.**

Each independently established increased rate or charge and each independently established change in a rule or other provision which effects a reduction in the value of service or increase in a rate or charge shall be filed with the commission at least seven (7) workdays before the date upon which it is to become effective.

**(3) Independently established for carrier's account.**

The rate, charge, rule, or other provision shall be filed in the carrier's name.

**(4) Joint intermodal traffic**

This section does not apply to any single-factor rate, charge, rule or other provision having application over any segment of the lines of another transportation mode.

**(5) Mixed filings.**

Filings of amendments that contain both one (1) day and seven (7) workday filings shall be filed upon seven (7) workdays' notice, with the one (1) day filings appropriately excepted from the seven (7) workday notice.

SECTION 2. Tennessee Code Annotated, Section 65-15-106(a) is amended by designating the existing language as subsection (a)(1), and by adding the following language to be designated as (a)(2):

(2) Notwithstanding any other provision of the law to the contrary, the authority vested in the public service commission with respect to rates, fares, and charges shall not apply to carriers of general commodities, nor shall the authority relative to the regulation and supervision of the schedules, service and method of operation apply to such carriers of general commodities.

On motion, the amendment was adopted.

Mr. Jared moved to amend as follows:

**AMENDMENT NO. 5**

Amend House Bill No. 900 by adding the following sub-sections:

The application of this act shall be limited to those motor carriers holding active regular route, general commodity authority issued by the Tennessee Public Service Commission and rendering permanent and continuous service pursuant thereto prior

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to December 31, 1984 and whose total gross revenues from all sources was less than \$5 million on December 31, 1984.

The motor carrier authority resulting from the section shall be restricted against transfer or acquisition to or by any person or entity through sale, assignment, purchase, or merger.

Mr. Gafford moved that Amendment No. 5 be tabled, which motion prevailed by the following vote:

Ayes . . . . .	67
Noes . . . . .	28
Present and not voting . . . . .	1

Representatives voting aye were: Bewley, Bivens, Bragg, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Crain, Cross, Curlee, Darnell, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Duer, Frensley, Gafford, Gaia, Garrett, Harrill, Hassell, Henry, Hobbs, Hurley, Huskey, Ivy, Kent, Kisber, Lawson, Love, May, McCroskey, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner, C. (Shelby), Ussery, Webb, West, Whitson, Williams, Wix, Wolfe, Wood and Work--67.

Representatives voting no were: Bell, Brewer, Buck, Burnett, Covington, Davidson, DeBerry, Dixon, Drew, Ellis, Gill, Hillis, Jared, Kernell, King, McAfee, McNally, Miller, Murphy, Pruitt, Shirley, Stafford, Turner, B. (Hamilton), Turner, L. (Shelby), Wheeler, Winningham, Yelton and Mr. Speaker McWherter--28.

Representative present and not voting was: Robinson (Hamilton) --1.

Mr. Cobb moved to amend as follows:

**AMENDMENT NO. 6**

Amend House Bill No. 900 by adding the following sub-section:

This act shall be reciprocal and shall become effective for the following states only when the following states have adopted a substantially identical act: Alabama, Arkansas, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Virginia.

On motion, the amendment was adopted.

Thereupon, House Bill No. 900, as amended, passed its third and final consideration by the following vote:

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Ayes . . . . .	82
Noes . . . . .	15
Present and not voting . . . . .	2

Representatives voting aye were: Bewley, Bivens, Bragg, Brewer, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Dixon, Duer, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jones, Kent, King, Kisber, Lawson, Love, May, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood and Work--82.

Representatives voting no were: Bell, Burnett, Covington, DeBerry, Drew, Ellis, Jared, Kernell, McAfee, Murphy, Shirley, Starnes, Turner, L. (Shelby), Wheeler and Mr. Speaker McWherter --15.

Representatives present and not voting were: Buck and Yelton --2.

A motion to reconsider was tabled.

Mr. Robinson (Davidson) moved that House Bill No. 533 be placed on the Calendar for Wednesday, May 1, 1985, which motion prevailed.

House Bill No. 504--To clarify law, use tax on services and amusements.

Mr. McNally moved that House Bill No. 504 be passed on third and final consideration.

Mr. Yelton moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 504 by adding the following language at the end of Section 3.

However, the Use Tax shall not apply to amusement services that are provided free as a fringe benefit to employees by employers.

On motion, the amendment was adopted.

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Thereupon, House Bill No. 504, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	96
Noes . . . . .	1
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

Representative voting no was: Jones--1.

Representative present and not voting was: Frensley--1.

A motion to reconsider was tabled.

House Bill No. 466--To fund training programs, county officials.

Mr. Severance moved that House Bill No. 466 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

### AMENDMENT NO. 1

Amend House Bill No. 466 by deleting Sections 1 and 2 in their entirety; by substituting instead the following; and by renumbering the subsequent section accordingly:

Section \_\_\_\_ . Tennessee Code Annotated, Section 67-4-606, is amended by adding the following at the end of the section:

The University of Tennessee's Institute for Public Service is authorized to use funds appropriated for such purpose by the general appropriations act for use by the Center for Government Training to fund training programs for county officials, in cooperation with the County Officials' Association of Tennessee and the Tennessee County Services Association.

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On motion, the amendment was adopted.

Thereupon, House Bill No. 466, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	94
Noes . . . . .	3

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

Representatives voting no were: Cross, Shirley and Winningham --3.

A motion to reconsider was tabled.

House Joint Resolution No. 178--Relative to designating the "Rachel Jackson State Office Building".

Mr. West moved that House Joint Resolution No. 178 be adopted, which motion prevailed by the following vote:

Ayes . . . . .	93
Noes . . . . .	3
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West,

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Wheeler, Whitson, Williams, Winningham, Wix, Wood, Work, Yelton and Mr. Speaker McWherter--93.

Representatives voting no were: Bewley, Moody and Wolfe--3.

Representative present and not voting was: Montgomery--1.

A motion to reconsider was tabled.

House Bill No. 525--To regulate election, telephone cooperative directors.

On motion, House Bill No. 525 was made to conform with Senate Bill No. 972.

On motion, Senate Bill No. 972, on same subject, was substituted for House Bill No. 525.

Mr. Buck moved that Senate Bill No. 972 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 972 by deleting Section 1 in its entirety and substituting instead the following:

Section 1. Tennessee Code Annotated, Title 65, Chapter 29, Part 1, is amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. (a) It shall be a misdemeanor in such cooperative elections to commit any act prohibited in Tennessee Code Annotated, Title 2, Chapter 19, Part 1, to prepare more ballots than the number of accounts or eligible members of the cooperative holding the election, to violate the rules or by-laws of the cooperative relative to voting, or to otherwise engage in any fraudulent conduct in conducting such elections.

(b) Any action under this section shall be brought in the criminal court of the county in which the election is conducted, as, notwithstanding the provisions of Tennessee Code Annotated, Title 2, Chapter 18, Part 1, shall any action challenging an action under Tennessee Code Annotated, Section 65-29-109, relative to the filling of an office specified in Tennessee Code Annotated, Section 65-29-111.

(c) Violations of this section shall be punished by a fine not to exceed fifty dollars (\$50.00), or by imprisonment for not more than eleven months and twenty nine days or both.

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On motion, the amendment was adopted.

Thereupon, Senate Bill No. 972, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	97
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

House Bill No. 878--To require auction, certain motor vehicles.

On motion, House Bill No. 878 was made to conform with Senate Bill No. 680.

On motion, Senate Bill No. 680, on same subject, was substituted for House Bill No. 878.

Mr. Covington moved that Senate Bill No. 680 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	98
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb,

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West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

A motion to reconsider was tabled.

House Bill No. 858--To amend Section 41-8-107, Code.

On motion, House Bill No. 858 was made to conform with Senate Bill No. 977.

On motion, Senate Bill No. 977, on same subject, was substituted for House Bill No. 858.

Mr. Cross moved that Senate Bill No. 977 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	98
Noes . . . . .	0
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

Representative present and not voting was: Cobb-1.

A motion to reconsider was tabled.

House Bill No. 242--To authorize purchase, fire fighting equipment.

On motion, House Bill No. 242 was made to conform with Senate Bill No. 411.

On motion, Senate Bill No. 411, on same subject, was substituted for House Bill No. 242.

Mr. Cross moved that Senate Bill No. 411 be passed on third and final consideration, which motion prevailed by the following vote:



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Ayes . . . . .	98
Noes . . . . .	0
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

Representative present and not voting was: Cobb--1.

A motion to reconsider was tabled.

House Bill No. 523--To make certain provisions, restricted drivers licenses.

On motion, House Bill No. 523 was made to conform with Senate Bill No. 559.

On motion, Senate Bill No. 559, on same subject, was substituted for House Bill No. 523.

Mr. West moved that Senate Bill No. 559 be passed on third and final consideration.

Thereupon, Senate Bill No. 559 failed to receive a constitutional majority by the following vote:

Ayes . . . . .	37
Noes . . . . .	52
Present and not voting . . . . .	4

Representatives voting aye were: Bell, Bivens, Buck, Burnett, Clark (Davidson), Collier, Covington, Curlee, Darnell, Davidson, DePriest, Dixon, Drew, Ellis, Gafford, Gaia, Garrett, Gill, Hillis, Jared, Kernell, King, Kisber, Love, Moore (Shelby), Murphy, Murray, Naifeh, Napier, Phillips, Rhinehart, Robinson (Davidson), Tanner, Turner, L. (Shelby), Wheeler, Wix and Work--37.

Representatives voting no were: Bewley, Byrd, Clark (Sumner), Cross, Davis (Gibson), Davis (Knox), DeBerry, Dills, Frensley, Harrill, Hassell, Henry, Hobbs, Hurley, Huskey, Ivy, Jones, Kent,

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Lawson, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Sullivan), Nance, Peroulas, Pruitt, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Treadway, Turner, B. (Hamilton), Turner, C. (Shelby), Ussery, Webb, Whitson, Williams, Winningham, Wolfe, Wood and Mr. Speaker McWherter--52.

Representatives present and not voting were: Bragg, Brewer, Crain and Yelton--4.

Under the rules, Senate Bill No. 559 was re-referred to the Committee on Calendar and Rules.

House Bill No. 761--To allow prior service credit, certain employees.

On motion, House Bill No. 761 was made to conform with Senate Bill No. 278.

On motion, Senate Bill No. 278, on same subject, was substituted for House Bill No. 761.

Mr. Starnes moved that Senate Bill No. 278 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	98
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

A motion to reconsider was tabled.

House Bill No. 210--To provide for regulation of private for hire vehicles.

On motion, House Bill No. 210 was made to conform with Senate Bill No. 514.

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On motion, Senate Bill No. 514, on same subject, was substituted for House Bill No. 210.

Mr. King moved that Senate Bill No. 514 be passed on third and final consideration.

Mr. King moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 514 by deleting the language added by Senate amendments #6, and #8.

On motion, the amendment was adopted.

Mr. Miller moved to amend as follows:

**AMENDMENT NO. 2**

Amend Senate Bill No. 514 by deleting the language added by Senate amendment #3.

On motion, the amendment was adopted.

Mr. King moved that Senate Bill No. 514 be placed on the Calendar for Monday, April 29, 1985, which motion prevailed.

**CONSENT CALENDAR**

House Bill No. 1079--To make certain provisions, Oneida.

House Bill No. 1080--To create Municipal Court, Dayton.

House Bill No. 1085--To regulate taxation, Oneida Special School.

Mr. Gill moved that all House Bills on the Consent Calendar be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	95
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings,

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Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

**HOUSE BILL ON SENATE AMENDMENT**

House Bill No. 410--To enact the Tennessee Homestead Act.

**SENATE AMENDMENT NO. 1**

Amend House Bill No. 410 by adding before the effective date section the following new section and by renumbering the effective date section accordingly:

SECTION \_\_\_\_ . The provisions of this act shall only apply to any county having a population greater than seven hundred fifty thousand (750,000) according to the 1980 federal census or any subsequent federal census.

Mr. Dixon moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes . . . . .	98
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

A motion to reconsider was tabled.

**HOUSE BILL ON SENATE AMENDMENT**

House Bill No. 522--To regulate disclosure, certain adoption records.

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**SENATE AMENDMENT NO. 1**

Amend House Bill No. 522 by adding before the effective date section the following new section and by renumbering the effective date section accordingly:

**SECTION \_\_\_\_.**

(a) Upon written petition of a person sixty (60) years of age or older who has not been adopted, the department of human services shall search the sealed adoption records in its possession for information concerning the location of the petitioner's brother, half-brother, sister or half-sister.

(b) Upon locating the petitioner's sibling, the department of human services shall notify the sibling of the inquiry. Upon written consent of the sibling, the department shall forward the petitioner's name and address to the sibling, and upon further written consent of the sibling, shall divulge to the petitioner the present name and address of the sibling.

(c) If the sibling is deceased, or cannot be identified or located, the department shall notify the petitioner of such circumstances, but shall not disclose any name or other information which would tend to identify the sibling.

Mr. Cobb moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes . . . . .	90
Noes . . . . .	7

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Knox), Davis (Gibson), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, King, Kisber, Lawson, Love, May, McCroskey, McNally, Miller, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wood, Work, Yelton and Mr. Speaker McWherter--90.

Representatives voting no were: Chiles, Davis (Cocke), DeBerry, Jones, Montgomery, Moody and Wolfe--7.

A motion to reconsider was tabled.

**HOUSE BILL ON SENATE AMENDMENT**

House Bill No. 538--To regulate inspection and removal, certain structures.

**SENATE AMENDMENT NO. 1**

Amend House Bill No. 538 by deleting the section added by House Amendment #1, as follows:

The provisions of this act shall not apply in counties having population of not less than 287,000 nor more than 300,000 or to municipalities within such counties according to the 1980 federal census or any census thereafter.

Mr. McCroskey moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes . . . . .	98
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

A motion to reconsider was tabled.

**HOUSE BILL ON SENATE AMENDMENT**

House Bill No. 540--To regulate registration of motor vehicles, certain counties.

**SENATE AMENDMENT NO. 1**

Amend House Bill No. 540 by deleting Section 2 in its entirety and substituting instead the following:

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**SECTION 2.** This act shall take effect upon becoming a law, the public welfare requiring it and shall be repealed on April 30, 1986.

Mr. Cobb moved that the House non-concur in Senate Amendment No. 1, which motion prevailed.

**HOUSE BILL ON SENATE AMENDMENT**

House Bill No. 1009--To increase amount, employee suggestion award program.

**SENATE AMENDMENT NO. 1**

Amend House Bill No. 1009 by deleting the bill in its entirety and substituting in its place the following:

**SECTION 1.** Tennessee Code Annotated 4-27-102 is amended by deleting that section in its entirety and substituting in its place the following:

There is hereby established an Employee Suggestion Award Board which shall be composed of: The commissioner of finance and administration, the commissioner of personnel, the commissioner of general services, the executive director of the fiscal review committee, and one member appointed by the tennessee state employees association.

**SECTION 2.** Tennessee Code Annotated, Section 4-27-105, is amended by deleting the language "five thousand dollars (\$5,000)" and by substituting instead the language "six thousand dollars (\$6,000)".

**SECTION 3.** This act shall take effect on July 1, 1985, the public welfare requiring it.

Mr. Bragg moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes . . . . .	98
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford,

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Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

A motion to reconsider was tabled.

### SECOND ROLL CALL

A roll call was taken with the following results:

Present . . . . . 97

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

### INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 282--Relative to congratulating Betty B. Cannon--By West.

Under the rules, House Joint Resolution No. 282 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 283--Relative to congratulating Mary Miller--By West.

Under the rules, House Joint Resolution No. 283 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 284--Relative to commending Dr. Charlene Michael--By Drew.

Under the rules, House Joint Resolution No. 284 was referred to the Committee on Calendar and Rules.

### RESOLUTIONS LYING OVER

Senate Joint Resolution No. 96--Relative to maintaining funding, U. S. Forest Service Silvicultural Lab, Sewanee.



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The Speaker referred Senate Joint Resolution No. 96 to the Committee on Conservation and Environment.

Senate Joint Resolution No. 116--Relative to Textile and Apparel Trade Enforcement Act of 1985.

The Speaker referred Senate Joint Resolution No. 116 to the Committee on Labor and Consumer Affairs.

### **INTRODUCTION OF BILLS**

House Bill No. 1086--To establish animal control program, Washington County--By Robinson (Washington) and McCroskey.

Passed first consideration.

House Bill No. 1087--To regulate purchasing, Clarksville--By Ussery and Darnell.

Passed first consideration.

House Bill No. 1088--To regulate wheel tax, Henry County--By Ridgeway.

Passed first consideration.

House Bill No. 1089--To change boundaries, South Carroll Special School District--By Ridgeway.

Passed first consideration.

House Bill No. 1090--To regulate purchasing, Hamilton County--By Starnes, Wood, Copeland, McAfee, Robinson (Hamilton) and Turner (Hamilton).

Passed first consideration.

House Bill No. 1091--To make provisions, Economic Development Commission, Jackson--By Kisber and Tankersley.

Passed first consideration.

### **SENATE BILLS ON FIRST CONSIDERATION**

Senate Bill No. 145--To regulate Insurance Committee.

Passed first consideration.

Senate Bill No. 193--To regulate contracts, future funeral services.

Passed first consideration.

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Senate Bill No. 250--To regulate Industrial Development Authority.

Passed first consideration.

Senate Bill No. 481--To regulate fee collections, certain regulatory boards.

Passed first consideration.

Senate Bill No. 623--To regulate collection of debt, general sessions court.

Passed first consideration.

Senate Bill No. 712--To regulate health and accident insurance policies, professionals.

Passed first consideration.

Senate Bill No. 750--To make certain provisions, naming and appointment of executors.

Passed first consideration.

Senate Bill No. 1014--To create Volunteer Public Education Trust Fund of 1985.

Passed first consideration.

**SENATE BILL ON SECOND CONSIDERATION**

Senate Bill No. 1022--To regulate removal of vegetation, private property, certain counties.

Passed second consideration and referred to Committee on State and Local Government.

**BILL RE-REFERRED**

On motion of Mr. Love, House Bill No. 938 was recalled from the Committee on General Welfare.

On motion of Mr. Love, House Bill No. 938 was referred to the Committee on Finance, Ways and Means.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such

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addition:

House Bill No. 242--Hurley (co-prime)

House Bill No. 414--Bragg

House Bill No. 669--Tanner

House Bill No. 820--Wix

House Bill No. 868--Bragg, Burnett

**REPORTS OF STANDING COMMITTEES**

**COMMERCE**

MR. SPEAKER: Your Committee on Commerce begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 252, 647 (with amendment), 652 (with amendment), 809 (with amendment), 914 (with amendment) and 993 (with amendment).

MURRAY, Chairman.

Under the rules, House Bills Nos. 252, 647, 652, 809, 914 and 993 were transmitted to the Committee on Calendar and Rules.

**FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 85 (with amendment), 223, 311, 418, 454, 635 (with amendment), 701 (with amendment), 704, 868 (with amendment), 888, 923 (with amendment), 975 and 1074 and House Joint Resolution No. 250.

BRAGG, Chairman.

Under the rules, House Bills Nos. 85, 223, 311, 418, 454, 635, 701, 704, 868, 888, 923, 975, 1074 and House Joint Resolution No. 250 were transmitted to the Committee on Calendar and Rules.

**GENERAL WELFARE**

MR. SPEAKER: Your Committee on General Welfare begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 57 (with amendment) and 872.

STARNES, Chairman.

Under the rules, House Bills Nos. 57 and 872 were transmitted to the Committee on Calendar and Rules.

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**GOVERNMENT OPERATIONS**

**MR. SPEAKER:** Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 148, 149, 150 (with amendment), 153, 156, 158, 179, 183, 185, 189 (with amendment), 625 and 819 (with amendment) and House Joint Resolution No. 235.

**KING, Chairman.**

Under the rules, House Bills Nos. 148, 149, 150, 153, 156, 158, 179, 183, 185, 189, 625 and 819; and House Joint Resolution No. 235 were transmitted to the Committee on Calendar and Rules.

**JUDICIARY**

**MR. SPEAKER:** Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 381 (with amendment), 417 (with amendment) and 708 (with amendment) and further recommend that pursuant to House Rule No. 71, House Bill No. 708 (with amendment) be referred to the Committee on Finance, Ways and Means.

**MURPHY, Chairman.**

Under the rules, House Bills Nos. 381 and 417 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 71, the Speaker referred House Bill No. 708 (with amendment) to the Committee on Finance, Ways and Means.

**STATE AND LOCAL GOVERNMENT**

**MR. SPEAKER:** Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 238 (with amendment), 568 (with amendment), 860 (with amendment), 901 (with amendment), 951, 952 (with amendment), 989 and 1028 and further recommend that pursuant to House Rule No. 71, House Bills Nos. 860 (with amendment) and 952 (with amendment) be referred to the Committee on Finance, Ways and Means.

**MILLER, Chairman.**

Under the rules, House Bills Nos. 238, 568, 901, 951, 989 and 1028 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 71, the Speaker referred House Bills Nos. 860 and 952 to the Committee on Finance, Ways and Means.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**MR. SPEAKER:** Your Committee on Calendar and Rules begs leave to

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report that we have met and set the following bills on the Calendar for Thursday, April 25, 1985: House Bills Nos. 401, 88, 648, 953, 393, 773, 732, 652 and 868.

GILL, Chairman.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

562--To regulate certain motor vehicle registrations.

The Senate refused to recede from its action in nonconcurring in House Amendments Nos. 2, 4, 5 and 6.

The Speaker appointed a Conference Committee composed of Senators Moore, Cohen and Garland to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 562.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENGROSSED BILLS**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 127, 264, 307, 466, 504 and 913; House Joint Resolution No. 178; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**CONSENT CALENDAR**

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Thursday, April 25, 1985: House Resolution No. 4; and House Joint Resolutions Nos. 282, 283 and 284.

GILL, Chairman.

**ENGROSSED BILLS**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 310, 1079, 1080 and 1085; and find

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same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 309, 620, 820, 900 and 1011; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

On motion of Mr. Naifeh, the House adjourned until 10:00 a.m. tomorrow.